

## Message Text

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20

ACTION EA-14

INFO OCT-01 ISO-00 DEAE-00 CIAE-00 INR-10 IO-14 JUSE-00

NSAE-00 RSC-01 SNM-02 SY-10 TRSE-00 USIA-15 NSC-10

SCI-06 OMB-01 L-03 CPR-02 DRC-01 /090 W

----- 032597

R 010730Z FEB 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 9691

INXF RUMJMA/AMEMBASSY MANILA 4683

AMCONSUL NAHA

DOD WASHDC

JCS WASHDC

CINCPAC HONOLULU HAWAII

CINCUSARPAC FT SHAFTER HAWAII

COMUSJAPAN FUCHU JAPAN

CDRUSARJ CAMP ZUA JAPAN

CDRUSARBCO CAMP SUKURAN OKINAWA

C O N F I D E N T I A L TOKYO 1452

E.O. 11652: GDS

TAGS: MARR JA

SUBJ: STATUS OF DEA

REF: A. MANILA 13359 DTG 291024Z NOV 73 (NOTAL

B. STATE 230031 DTG 212303Z NOV 73

C. TOKYO 14975 DTG 160254Z NOV 73 (NOTAL)

D. TOKYO 13573 DTG 180930Z OCT 73 (NOTAL

E. NAHA 535 DTG 210904Z DEC 73 (NOTAL)

1. PROBLEM IS NOT PRESENTLY ONE OF ACCEPTANCE BY GOJ OF DEA  
"CIVILIAN COMPONENT" STATUS AS IMPLIED REF B. PROBLEM

IS FOR

DEA TO DECIDE CLEARLY WHETHER ITS PERSONNEL WILL CONTINUE TO  
BE ATTACHED TO CONSULATE, ENJOY CONSULAR IMMUNITY, CARRY  
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CONSULAR AND FONOFF IDENTIFICATION, AND USE CONSULAR LICENSE

PLATES OR WHETHER THEY WILL ENJOY PRIVILEGES OFFERED BY SOFA OF ON-BASE OFFICE AND HOUSING.  
UNDER SOFA AND MST IT NOT POSSIBLE FOR DEA TO CONTINUE TO ENJOY BOTH. IF DEA OPTS FOR COVERAGE BY SOFA, EMBASSY BELIEVES IT WILL NOT RPT NOT BE TOO DIFFICULT TO RENEGOTIATE "CIVILIAN COMPONENT" STATUS FOR DEA WITH GOJ.

2. DEA PERSONNEL ON OKINAWA DO NOT ENJOY FULL DIPLOMATIC IMMUNITY AS APPARENTLY ASSUMED REF A. THEY ENJOY CONSULAR IMMUNITY WHICH IS LIMITED TO OFFENSES AGAINST HOST COUNTRY LAWS COMMITTED ONLY WHILE IN PURSUIT OF OFFICIAL DUTIES. OFFENSES COMMITTED OUTSIDE OFFICIAL DUTIES ARE NOT EXEMPTED AS SUCH OFFENSES WOULD BE IF PERPRETRATOR COVERED BY FULL DIPLOMATIC IMMUNITY. NOR CAN DEA PERSONNEL ON OKINAWA BE CONVERTED TO DIPLOMATIC, INSTEAD OF CONSULAR, STATUS SINCE DIPLOMATIC STATUS AVAILABLE ONLY TO THOSE ATTACHED TO EMBASSY AND WORKING IN TOKYO AREA.

3. SOFA WITH JAPAN GRANTS IMMUNITY SIMILAR TO THAT OF CONSULAR IMMUNITY FOR OFFENSES COMMITTED IN LINE OF DUTY. HOWEVER, SOFA IMMUNITY OFFERS EVEN GREATER PROTECTION SINCE US MILITARY HAS EXCLUSIVE OR CONCURRENT JURISDICTION WITH G EU FOR SOME OFFENSES COMMITTED WHILE NOT IN LINE OF DUTY. THEREFORE, SOFA STATUS WOULD APPEAR TO OFFER SOUNDER BASIS THAN CONSULAR STATUS FOR DEA AGENT'S ENFORCEMENT ACTIVITIES AND OFFICIAL IMMUNITY.

4. DEA AGENT'S OCCASIONAL PRACTICE OF BEARING A WEAPON IN PURSUIT OF HIS DUTIES OFFERS ADDITIONAL REASON FOR PLACING DEA UNDER SOFA ON OKINAWA, SINCFQCONSULAR STATUS OBVIOUSLY PROVIDES NO BASIS FOR THIS PRACTICE.

5. IF CONSULAR STATUS TO BE RETAINED, DEA OFFICIALS CANNOT CONTINUE TO ENJOY PRIVILEGES AVAILABLE ONLY TO PERSONNEL COVERED BY SOFA (REF D).  
CONVERSELY, IF DEA REP ELECTS TO ADOPT STATUS OF "CIVILIAN COMPONENT" UNDER SOFA, HE COULD RETAIN MILITARY HOUSING AND THERE WOULD BE NO FURTHER OBJECTION TO CLEARLY IDENTIFYING HIS OFFICE SPACE IN DRUG OPERATIONS CENTER AT USARBCO. THERE WOULD ALSO BE NO OBJECTION UNDER THIS ARRANGEMENT TO DEA  
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AGENT CONTINUING TO MAINTAIN OFFICE SPACE IN CONSULATE GENERAL. CONSULAR IDENTITY CARES AND LICENSES PLATES WOULD, HOWEVER, HAVE TO BE EXCHANGED FOR APPROPRIATE MILITARY IDENTIFICATION.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** FOREIGN RELATIONS, MILITARY BASES, STATUS OF FORCES AGREEMENTS, GOVERNMENT AGENCIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 01 FEB 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974TOKYO01452  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** n/a  
**From:** TOKYO  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1974/newtext/t19740260/aaaacely.tel  
**Line Count:** 111  
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**Office:** ACTION EA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** A. MANILA 13359 DTG 291024Z NOV 73 (, NOTAL  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 29 JUL 2002  
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**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** STATUS OF DEA  
**TAGS:** MARR, JA, US  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005